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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN LEE TRIPP,

Defendant.

Case No. 2:19-mj-00394-NJK

**Stipulation to Extend Deadline to File an
Information or Indictment (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Katheryn Newman, Assistant Federal Public Defender, counsel for JUSTIN LEE TRIPP, that the Court extend the deadline requiring that an information or indictment be filed within 30 days of a defendant's arrest on a complaint, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance if the defendant is in custody"

1 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
2 showing of good cause—taking into account the public interest in the prompt disposition of
3 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
4 times”

5 3. On January 31, 2020, the Court held an initial appearance for defendant
6 Justin Lee Tripp (“Tripp” or “defendant”), during which he was detained on the criminal
7 complaint, and a preliminary hearing was set for February 13, 2020. ECF No. 30.

8 4. On February 10, 2020, the parties stipulated to continue the preliminary
9 hearing. ECF No. 40. While the parties asked the Court to continue the deadline that
10 requires that the preliminary hearing be conducted within 14 days of a detained defendant’s
11 initial appearance, *see* Fed. R. Crim. P. 5.1(c), the parties mistakenly and inadvertently
12 omitted a request to also extend the deadline that requires that that an information or
13 indictment be filed within 30 days of a defendant’s arrest as required by 18 U.S.C.
14 § 3161(b). The Court granted the parties’ request and continued the preliminary hearing to
15 March 17, 2020. ECF No. 41.

16 5. On February 24, 2020, the parties asked the Court to extend the preliminary
17 hearing date a second time. ECF No. 43. This stipulation contained the same mistaken
18 omission relating to the deadline that requires that that an information or indictment be
19 filed within 30 days of a defendant’s arrest under 18 U.S.C. § 3161(b). The Court granted
20 the parties’ request and continued the preliminary hearing date to April 21, 2020. ECF No.
21 45.

22 6. The parties by and through this stipulation respectfully request that the Court
23 to extend the 18 U.S.C. § 3161(b) deadline for the filing of an indictment or information to
24 April 21, 2020.

1 7. Under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny information or
2 indictment charging an individual with the commission of an offense shall be filed within
3 thirty days from the date on which such individual was arrested or served with a summons
4 in connection with such charges.” The parties intended to agree to waive this Speedy Trial
5 right while the parties continued to negotiate an agreed resolution under which the
6 defendant will plead guilty to a criminal information after waiving his right to indictment
7 but inadvertently and mistakenly omitted such a request from the prior stipulations for a
8 continuance. The parties have an agreement in principle but Tripp has not yet executed a
9 plea agreement.

10 8. Moreover, if negotiations fail, the defense will require additional time to
11 review the discovery and investigate potential defenses to prepare for the April 21, 2020,
12 preliminary hearing. The government will need additional time to ask the grand jury to
13 consider an indictment containing charges alleged in the complaint, as well as other
14 charges arising from Tripp’s federal law violations before April 21, 2020.

15 9. The additional time under the Speedy Trial Act requested herein is not sought
16 for the purposes of delay, but to allow counsel for Tripp sufficient time to effectively and
17 thoroughly research and prepare and to determine whether to proceed with a preliminary
18 hearing and indictment or to resolve this case through negotiations. Moreover, Tripp
19 knowingly and voluntarily waives any claim he may have that he suffered prejudice by the
20 parties’ prior failure to ask the Court to extend the deadline under 18 U.S.C. § 3161(b) for
21 the filing of an indictment or information.

22 10. Although Tripp is in custody, he expressly agrees to the extension of 30-day
23 indictment or information deadline imposed by 18 U.S.C. § 3161(b), and waives any right to
24

1 remedies under 18 U.S.C. § 3161(b), provided that an information or indictment is filed on
2 or before the current preliminary hearing date, April 21, 2020.

3 11. The parties agree to the extension of this deadline.

4 12. Accordingly, parties ask the Court to order that the additional time requested
5 by this stipulation is excludable in computing the time within which the defendant must be
6 indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
7 § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

8 13. This is the first request for an extension of the Speedy Trial deadline by which
9 to file an information or indictment.

10 DATED this 26th day of March, 2020.

11 Respectfully submitted,

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13 NICHOLAS A. TRUTANICH
United States Attorney

14 /s/Kathryn C. Newman

15 KATHRYN C. NEWMAN
Assistant Federal Public Defender
Counsel for Defendant
16 JUSTIN LEE TRIPP

/s/Kimberly M. Frayn

17 KIMBERLY M. FRAYN
Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN LEE TRIPP,

Defendant.

Case No. 2:19-mj-00394-NJK

**Order on Stipulation to
Extend Deadline to File an Information
or Indictment (First Request)**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served, the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the deadline under the Speedy Trial Act, 18 U.S.C. § 3161(b), that requires “[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges” is hereby extended to April 21, 2020 at the hour of 4:00 p.m.

The Court finds the additional time requested by the parties’ stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein

1 must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A),
2 considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

3 DATED this ^{26th} day of March, 2020.

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5 HONORABLE NANCY J. KOPPE
6 UNITED STATES MAGISTRATE JUDGE
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